

## OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

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ADMINISTRATIVE BUILDING  
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Honorable M. S. Butler  
Sheriff  
Montgomery County  
P. O. Drawer 4219  
Montgomery, Alabama 36101

Gambling - Bingo - Charitable  
Purposes

The Sheriff of Montgomery County  
is not required to issue a  
permit under Act No. 82-575 to  
play bingo in Montgomery County  
to an organization whose office  
or domicile is in Autauga County  
and whose purpose is to benefit  
the citizens of Autauga County.

Dear Sheriff Butler:

Reference is made to your request for an opinion from the  
Attorney General regarding Act No. 82-575, Acts of Alabama  
1982, p. 1067 which legalized the operation of bingo games in  
Montgomery County. You specifically asked if you, as Sheriff  
of Montgomery County, are required to issue a permit to play  
bingo in Montgomery County to a charitable organization  
domiciled in Autauga County.

Your question is to be answered in the negative.

Act No. 82-575 provided that the operation of bingo games  
for prizes or money by qualified organizations for bona fide  
charitable, educational or other lawful purposes is legal in  
Montgomery County. The Sheriff of Montgomery County issues a  
permit to a qualified organization and the Sheriff is also  
given other powers regarding the regulation of bingo games in  
the county. Furthermore, the voters of Montgomery County were

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Sheriff  
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required by Act No. 82-575 to approve in a referendum election the constitutional amendment providing for the legalization of bingo in the county.

The organization in question was incorporated in 1971 in Autauga County as a nonprofit corporation to "promote civic and social betterment of its membership in Autauga County, Alabama." (Emphasis added) The application for a bingo license filed with the Montgomery County Sheriff gives the address of the club as being in Prattville but states that the bingo games will be conducted at a given location in Montgomery County.

There is no specific provision in Act No. 82-575 which allows only those organizations domiciled in Montgomery County to conduct bingo games under the provisions of the Act. Therefore, we must rely on statutory construction. The Alabama Court of Civil Appeals in Board of Dental Examiners v. King, 364 So.2d 311 (Ala.Civ.App. 1977) stated that in construing and applying a statute, the essential object to be determined is the legislative intent and in making such determination the object sought to be obtained, the purpose and the subject on which the law operates must be considered. A reading of Act No. 82-575 clearly indicates that it was the intent of the Legislature that the Act be for the benefit and aid of the citizens of Montgomery County and that it was to be for operation within the confines of the county. Furthermore, it is the opinion of the Attorney General that the Act was to be applicable only for qualified organizations having domicile or offices within the county. If organizations which did not have domiciles or offices within Montgomery County and which did not want to operate bingo games for the benefit of citizens of the county were permitted to operate bingo games in the county, the purpose of the Act would be defeated in a considerable measure.

Therefore, in answer to the question which you presented, the Sheriff of Montgomery County is not required to issue a permit under Act No. 82-575 to play bingo in Montgomery County to an organization whose office or domicile is in Autauga County and whose purpose is to benefit the citizens of Autauga County.

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Sheriff  
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I hope that your question has been adequately answered.

If our office can be of further assistance, please do not  
hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

By:

A handwritten signature in cursive script, reading "Lynda K. Oswald".

LYNDA K. OSWALD  
Assistant Attorney General

LKO/dn